

RECEIVED
CENTRAL FAX CENTER

FEB 03 2006

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Seal, et al) Confirmation No.: 8180
Serial No: 09/151/666) Art Unit: 3623
Filed: September 11, 1998) Examiner: Meinecke Diaz, Susanna
For: A System and Method for Facilitating Managing a Job

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Notice of Allowance has some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicants provide the following comments to complete the record and to ensure proper interpretation of the claims and history.

First, cancellation of claims 1-4, 7, and 16-42 is without prejudice, waiver, or disclaimer. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

Second, Applicants do not admit that the stated reasons for allowance are, or are the only, reasons for allowance. In addition, the Office Action mentions that the features of claim 5 "are separately old and well-known in the art"; however, the Office Action "submits that the incorporation of the combination of all the recited features into one system for managing a single job (e.g., as part of the JMOS system) is not taught or suggested by the prior art of record; therefore, claim 5 and dependent claims 6 and 8-15 are deemed to be allowable over the prior art

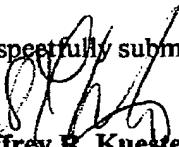
of record. Independent claim 43 recites a method claim corresponding to the same computer-executed functionality recited in claim 5; therefore, claim 43 and dependent claims 44-52 are deemed to be allowable over the prior art of record for the same aforementioned reason.”

Applicants respectfully submit that claims 5 and 43 do not only cover one system for managing a single job, but the claimed elements can cover a single or a plurality of computers that manage one or more jobs. Furthermore, Applicants traverse the finding of well-known art for at least the reason that the particular claimed combinations are too complex to support the finding.

Third, in accordance with 35 U.S.C. Section 282: “Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim.” Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Fourth, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Respectfully submitted,


Jeffrey R. Kuester, Reg. No. 34,367
Attorney for Applicant

Date: 2-3-06

Docket: 190251-1740

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339-5948
Telephone: (770) 933-9500

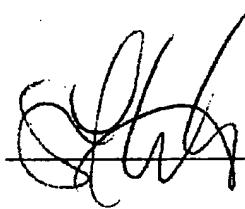
of record. Independent claim 43 recites a method claim corresponding to the same computer-executed functionality recited in claim 5; therefore, claim 43 and dependent claims 44-52 are deemed to be allowable over the prior art of record for the same aforementioned reason.” Applicants respectfully submit that claims 5 and 43 do not only cover one system for managing a single job, but the claimed elements can cover a single or a plurality of computers that manage one or more jobs. Furthermore, Applicants traverse the finding of well-known art for at least the reason that the particular claimed combinations are too complex to support the finding.

Third, in accordance with 35 U.S.C. Section 282: “Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim.” Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Fourth, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Respectfully submitted,

Date:



Jeffrey R. Kuester, Reg. No. 34,367
Attorney for Applicant

Docket: 190251-1740

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339-5948
Telephone: (770) 933-9500

RECEIVED
CENTRAL FAX CENTER
FEB 03 2006

**CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR §1.8**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted on the date indicated below via facsimile to the United States Patent and Trademark Office, facsimile number (571)-273-8300.

Date: Feb. 3, 2006

Anne Antonoff
Anne Antonoff

In Re Application of:

Seal, *et al.*
U.S. Serial No.: 09/151/666

Filing Date: September 11, 1998

Our Reference No.: 190251-1740

For: **A SYSTEM AND METHOD FOR FACILITATING MANAGING A JOB**

**Issue Fee Transmittal
Comments on Statement of Reasons for Allowance
Amendment After Allowance
Credit Card Authorization – Authorizing \$1400.00
for issue fee**